IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

C.R. No. 5213 of 2007(O&M)
Date of Decision : 30.10.2007

Haryana State Industrial Development Corporation

..... Petitioner

Versus

Kishori Lal & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.A.K. Pathania, Advocate
for the petitioner.

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VINOD K. SHARMA, J. (ORAL)

This revision petition has been filed against the order dated 1.9.2001 passed by the learned Addl. District Judge, Faridabad dismissing an application moved by the petitioner under Order 39 Rules 1 & 2 read with Section 151 C.P.C. seeking injunction against an award passed by the Presiding Officer, Labour Court-II, Faridabad.

The plaintiff petitioner had filed a suit for declaration with consequential relief of permanent injunction in the Civil Court to challenge an award passed by the learned Presiding Officer Labour Court-II, Faridabad. The application filed under Order 39 Rules 1 & 2 C.P.C. has been dismissed by the learned trial Court and the said order has been affirmed by the learned Addl. District Judge.

The learned counsel for the petitioner has contended that as the learned Labour Tribunal has not followed the due procedure and the award was passed without notice to the petitioner, therefore, it could be challenged by filing a civil suit. In support of this contention he has placed reliance on the Full Bench Judgment of this Court in the case of ***State of Haryana and others Vs. Vinod Kumar and others 1986 PLJ 161.***

This contention of the learned counsel for the petitioner is totally misconceived. The Civil Court has no jurisdiction, whatsoever, to adjudicate upon the award passed by the learned Labour Court/ Labour Tribunal constituted under the Industrial Disputes Act, which is a complete Code in itself.

The Civil Court prima facie is not competent to entertain the suit to challenge award passed by Industrial Tribunal.

The order passed by the learned Courts below therefore call for no interference by this Court.

No merit.

Dismissed.

30.10.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**